WP(C) 795/2007
BEFORE
THE HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY
B.P. Katakey, J.

Heard Mr. M.K. Choudhury, the learned Sr. counsel for the petitioners as well as Mrs. Goyal, the learned State counsel appearing on behalf of the respondents No.1 to 5.

By these applications, the petitioners are praying for a direction not to harass them in doing their business in Paltan Bazar Area. According to the petitioner, the respondents No.6 and 7, without any reasonable justification, are harassing them, thereby, violating their right to do the business. Mrs. Goyal, the learned State counsel, on instruction, on the other hand, has submitted that there is no harassment to the legal and valid traders in the Paltan Bazar Area. However, a number of unauthorized occupants set up their stalls in Paltan Bazar Area, without any authority and the authority is taking necessary steps for their eviction.

There is no doubt that he authority cannot harass any shopkeepers or traders, who have valid permission/license from the competent authority for doing their business in a particular place. But at the same time, the authority is also duty bound to keep any public road or foot path or pavements as wall as other Government land free from encroachment and cannot allow any person to trade in any public road/pavements, which will have the effect of obstructing movements of vehicular traffic and also the pedestrians.

We, therefore, dispose of these writ petitions directing the respondents not to harass any valid shopkeepers/traders while doing their business in the allotted stalls or places. The authority, shall, however, take all necessary steps for eviction of unauthorized traders/shopkeepers from any public place/road/pavements.

The writ petitions are accordingly disposed of.